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1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN PENNSYLVANIA  
3 Case No. 01-01139

4 - - - - - x

5 In the Matter of:

6

7 W.R. GRACE & CO., et al.,

8

9 Debtors.

10 - - - - - x

11

12 United States Bankruptcy Court  
13 Robert N.C. Nix Sr. Federal Courthouse  
14 900 Market Street  
15 Philadelphia, PA 19107

16

17 January 8, 2021

18 11:46 AM

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21 B E F O R E :

22 HON ASHELY M. CHAN

23 U.S. BANKRUPTCY JUDGE

24

25 ECRO - JOAN RANIERI

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1       **HEARING re Request for Extension**

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25       **Transcribed by: Sonya Ledanski Hyde**

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1 A P P E A R A N C E S :

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17 ALSO APPEARING TELEPHONICALLY:

18 VIKTORIYA SHPIGELMAN

19 GARY S. SMOLKER, pro se

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1 P R O C E E D I N G S

2 THE COURT: Good afternoon. This is Judge Chan's  
3 12:00 list for January 8th. The only matter is W.R. Grace &  
4 Co. It's a telephonic conference regarding Mr. Smolker's  
5 request for extension. Could counsel and parties make their  
6 appearances, please?

7 MR. O'NEILL: Yes, Your Honor, sorry. This is  
8 James O'Neill for W.R. Grace. I'm from the firm of  
9 Pachulski, Stang Ziehl & Jones. And joining me on the  
10 telephone today is my co-counsel in this matter, Roger  
11 Higgins, and also we have our client, Viktoriya Shpigelman  
12 from Grace.

13 MR. SMOLKER: Hi. I'm Gary Smolker, the claimant.

14 THE COURT: Mr. Smolker, you filed your response  
15 to the summary judgment motion. I see that there are -- it  
16 looked like there were two filings: one was on January 4th,  
17 2021, it's 767 pages; that was the declaration and  
18 opposition to the summary judgment motion. There's also an  
19 entry on the same day, January 4th, it's 19 pages, that  
20 contains some exhibits, additional exhibits to your  
21 opposition.

22 I see that, you know, technically, these filings  
23 were after the December 30th date that we had discussed the  
24 last time when we were together. And I understand from -- I  
25 guess I've seen, you know, that you did try to serve that

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1 and file that in a timely fashion, and I'm not sure if it  
2 was just the length of the pages or whatever, but, you know,  
3 it didn't get filed until the 4th.

4 MR. SMOLKER: Actually, I have a statement from  
5 Federal Express saying it was served with the Court on  
6 December 30th at 11:18. Actually, what happened is when  
7 it's given to the Court, it's not filed; they take time to  
8 file it. I actually have somebody from Federal Express  
9 saying it was served with the Court on December 30th.

10 THE COURT: I've had trouble sending and receiving  
11 packages during the holiday season, and I hear it was  
12 unprecedeted, so I'll take your word on it unless anyone  
13 else wanted to chime in, but that, you know, you did try to  
14 do that on time.

15 But the reason why we're here today is because  
16 you're requesting additional time? I was just wanting to  
17 understand what it is that you wanted to file and why you  
18 think you need more time for this.

19 MR. SMOLKER: Thank you very much. Could you  
20 repeat what you said you received because our connection is  
21 not entirely clear. Apparently, (sound glitch) there's a  
22 delay and there's an echo (sound glitch). I heard you say  
23 you have 762 pages. That's all I heard.

24 ESR CLERK: Excuse me, Judge. Before --

25 THE COURT: Would it be for Mr. Smolker to hang up

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1 and call back in?

2 ESR CLERK: Do we have -- it's on speakerphone.

3 MR. SMOLKER: I'm not on speakerphone.

4 ESR CLERK: Okay.

5 MR. SMOLKER: I can call right back. I was on  
6 speakerphone to begin with and then I picked up direct.

7 Should I hang up and I'll call (sound glitch) without  
8 speakerphone?

9 ESR CLERK: No. Usually, you get an echo when you  
10 have it on speakerphone; that's why I asked the question.

11 MR. SMOLKER: Yeah. Well, I'm off the  
12 speakerphone, so why don't I just hang up and not go on  
13 speakerphone. Would that be okay?

14 ESR CLERK: Judge?

15 CLERK: Is that okay, Judge?

16 THE COURT: Wait, I'm echoing too. It's the line.

17 ESR CLERK: I think everybody's echoing.

18 THE COURT: Mr. Smolker, why don't you call back  
19 in, okay?

20 MR. SMOLKER: I'll call right back. Thank you.

21 CLERK: Judge, I'm also echoing, so I'm going to  
22 go out and come back in too.

23 MR. O'NEILL: This is James O'Neill. I'm still  
24 here. Do you hear (crosstalk).

25 ESR CLERK: Yes, I see you're still here. Ms.

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1 Shpigelman is still here. I'm not echoing any longer, so  
2 I'm not sure.

3 MR. O'NEILL: Okay.

4 ESR CLERK: I am echoing a little bit.

5 MS. SHPIGELMAN: This is Viktoriya Shpigelman. If  
6 I need to dial back in, just let me know, but I'm not  
7 hearing any echoes right now.

8 ESR CLERK: And I won't be speaking. All right,  
9 Mr. Higgins is back in.

10 MR. SMOLKER: Hi. Gary Smolker back again.

11 ESR CLERK: Mr. Smolker, you're better.

12 MR. SMOLKER: I heard you clearly without an echo.

13 ESR CLERK: We're still waiting for the judge to  
14 dial back in, and the gentleman in the courtroom got  
15 deleted, dialed back in.

16 MR. SMOLKER: There's just a slight echo. It's  
17 much less.

18 ESR CLERK: Yeah. Well, I don't hear you echoing  
19 at all and I won't be speaking, so we don't have to worry  
20 about my echoing. Guest with the last four digits 4869.

21 CLERK: Yeah, that's me. I came in the long way.  
22 And the Judge can't get back on.

23 MR. SMOLKER: Anyway, who is the man I'm speaking  
24 to?

25 ESR CLERK: Mr. Smolker, this is Judge Chan's ESR

1 clerk.

2 MR. SMOLKER: Hi. I don't know what ESR clerk  
3 means, but welcome to the conversation.

4 ESR CLERK: I'm always there. I host the call.

5 CLERK: Yeah. She's hit the exit, so it won't  
6 work. I told her to use the hyphen.

7 MR. SMOLKER: So are you guys having a pandemic  
8 where you are?

9 CLERK: Yeah.

10 MR. SMOLKER: We're just totally wiped out here in  
11 Los Angeles.

12 ESR CLERK: Now what happened? Joan dropped off  
13 the call. All right, I'm not sure why we're having issues  
14 with this call. I'm going to stop the recording.

15 (Break)

16 CLERK: So does anyone else have a problem using  
17 the 302768# access code?

18 MR. SMOLKER: Gary Smolker does. I still have an  
19 echo.

20 (Crosstalk)

21 CLERK: You were still able to use the code.

22 MR. SMOLKER: Yes.

23 THE COURT: Get through this hearing as quickly as  
24 possible given that we've having these technical issues.

25 So, Mr. Smolker, I was saying before that I saw

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1 your two filings that were logged on January 4th. You had a  
2 700-plus page filing, and then you had an additional filing  
3 that had some more exhibits to it, so I've seen all of that.  
4 I wanted to know what else you may need to file and why you  
5 need more time.

6 MR. SMOLKER: Thank you very much, and I have  
7 something else to bring up if I may. But anyway, to answer  
8 your question directly, I made a miscalculation on how much  
9 time it would take me to gather all the exhibits I wanted to  
10 refer to and to prepare my papers. And it turned out to be  
11 impractical and impossible to get everything together and to  
12 send it to the Court on December 29th, which I did by  
13 Federal Express, priority overnight mail, and Federal  
14 Express reported back to me that it was filed with the Court  
15 on December 30th at 11:18.

16 And I spoke to Mr. Higgins -- I got email  
17 communications from Mr. Higgins, who I sent by Federal  
18 Express overnight also, that he received the entire package  
19 on December 30th. And I assume Mr. O'Neill received it also  
20 because my communications were to both of them, and although  
21 it was from Mr. Higgins, it was with a copy to Mr. O'Neill.  
22 So I don't know why Higgins and O'Neill got what they were  
23 supposed to get on December 30th, and I have something from  
24 Federal Express that said it was delivered, and I don't see  
25 how it's possible that the Court didn't get it on December

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1 30th also.

2 Mr. Higgins explained to me that it took a time  
3 for the Court to upload what it had received and that that's  
4 why there was a delay in filling it on the docket.

5 THE COURT: Mr. Smolker, I would like to move on  
6 because there are technical issues, to the substance of the  
7 hearing today. I would like you to address what additional  
8 documents you think you need to file in this case and why  
9 you needed the additional time.

10 So I hear you said that you had a lot of exhibits  
11 that you didn't realize you were going to have to collect,  
12 but what else did you want to file in this matter in  
13 opposition to summary judgment; what other documents?

14 MR. SMOLKER: Hello, this is Gary Smolker  
15 speaking. I have to prepare my memorandum in place with  
16 authorities. My statement of facts with reference to where  
17 it's found in the record, my objection to Grace's statement  
18 of facts, which I say are not supported by the evidence, and  
19 my description of what really happened because Grace's  
20 presentation gives a misleading picture of what has gone on  
21 and so forth.

22 And when I asked Grace for an extension, that  
23 generated, according to my scale, 1.2 pounds of  
24 correspondence. And I told Grace if they didn't want to  
25 give me an extension, I would file a motion for permission

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1 to file additional documents in opposition to the summary  
2 judgment motion. And I proposed that I have a hearing on  
3 that at 1:30 p.m. or 2:00 p.m. Eastern time because there's  
4 already a hearing scheduled for that to begin on the summary  
5 judgment motion, and that I will file my motion requesting  
6 more time on Friday, February 15th before 4:00 p.m., and I  
7 will outline all the reasons why I need more time and I will  
8 also attach what I want permission to file. And that will  
9 give --

10 THE COURT: If you'll recall at the last hearing  
11 we had in this matter --

12 MR. SMOLKER: Your Honor, I'm sorry. I was muted  
13 and I couldn't hear whatever you said.

14 THE COURT: Can you hear me?

15 ESR CLERK: Judge, you're in and out.

16 THE COURT: Joan, what if I called you, could we  
17 join in on the same line, because I need Mr. Smolker to hear  
18 me.

19 ESR CLERK: Judge, let me see if I can up your  
20 volume and see if that works. Okay, try speaking now.

21 THE COURT: Can you hear me now? This is Judge  
22 Chan.

23 MR. SMOLKER: I can, thank you.

24 THE COURT: Sir, you may recall at the last  
25 hearing that we had in this matter, I told you in no

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1       uncertain terms that I needed you to file all of your  
2       documents in opposition to summary judgment no later than  
3       December 30th. And I told you that I needed you to do that  
4       by that date because the summary judgment motion had been  
5       filed months before, and I needed to balance your need for  
6       additional time with the plaintiff's right to have a hearing  
7       and get a disposition on their summary judgment motion.

8                  And I note for the record that it's now been four  
9       plus months since you've been in possession of the summary  
10      judgment motion, and at this point, I can no longer give you  
11      additional time. And the fact that you can't even outline  
12      for me today exactly what you're going to be saying, you  
13      know, what you need to file in terms of your supplemental  
14      briefing and the reasons for it, the fact that you can't  
15      tell me that today and are proposing to file a motion in  
16      February is, unfortunately, unacceptable to me.

17                  I needed you to file all of your documents by then  
18      and, frankly, I still don't understand why you would need to  
19      file anything else since you've already filed 700-plus pages  
20      of documents in this proceeding.

21                  MR. SMOLKER: Well, first -- excuse me for  
22      talking. I'll wait until you're done. Thank you.

23                  THE COURT: Go ahead.

24                  MR. SMOLKER: I can't hear you.

25                  THE COURT: Mr. Smolker, and tell me your response

1 to that.

2 MR. SMOLKER: First of all, the time that I have  
3 had this was because Grace didn't give me enough time to  
4 respond and it took time for them to have a hearing before  
5 you because they couldn't agree with me on how much time I  
6 would have before you gave me more time to respond.

7 So it's not a question of how long, at least I  
8 don't think it's a question of how long I've had their  
9 paper. I think it's a question of how they have done things  
10 so that I didn't have enough time, and that they have not  
11 told the whole story. And I thought I just told you what I  
12 would respond, so I'll repeat it and I'll give more detail.

13 I would file a memorandum of points and  
14 authorities, which would walk you through the law. And by  
15 the way, in the documents that I sent you are copies of the  
16 California code sections -- the California Code of Civil  
17 Procedure, the California Food & Agricultural Code, the  
18 California Rules of Court -- in my points and authorities  
19 and my declaration.

20 I would walk you through all those code sections  
21 and show you how the motion to dismiss for five years should  
22 never have been granted. It's clear as a matter of law that  
23 it's a completely wrong decision because I could show you.

24 I would also -- and I did show you, my request for  
25 rehearing of the Court of Appeal, and they refused to

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1 address clear errors. For example, the Court of Appeal in  
2 its decision said that I complained that I didn't get the  
3 notice I was supposed to get for their summary judgment  
4 motion. And I pointed out that I had given the Superior  
5 Court a document which was their proof of service, which  
6 showed that something they were supposed to send me by fax,  
7 which was -- and this is just memory -- 235 pages, maybe it  
8 was even more -- they only sent me 15 pages, so I didn't  
9 even have the pages I was supposed to have by the time I was  
10 supposed to get it, and then the trial judge ignored that.

11 And the Court of Appeal opinion said that I had  
12 complained about that and there was nothing in the record to  
13 support it. But I had given the Court of Appeal the  
14 documents to support it, which was the proof of service, of  
15 Grace of what it filed, and the Court of Appeal decision  
16 said that they -- that means Grace -- had made a motion to  
17 dismiss based on three years; whereas, you have the motion,  
18 and you have what Grace said in its thing, the motion that  
19 is made was five years.

20 And there are different code sections that have to  
21 do with tolling and how orders work, and the bottom line was  
22 that the five years never happened. And there's a Rule of  
23 Court that says that when there is a stay order, that the  
24 stay order is in effect until it is taken out of effect, and  
25 the Superior Court Judge had put a stay order on the Grace

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1 proceeding -- this is by memory -- on February 2nd, 2001. I  
2 attached a copy of that stay order in those 700-plus pages,  
3 and I attached the California Rule of Court that says that  
4 stay order stays in effect until the Judge undoes it, and  
5 the Judge never undid it.

6 And this was made very clear to the Court of  
7 Appeal, which you'll see both in -- well, in my request for  
8 rehearing. And the Court of Appeal said that equitably it  
9 was my duty to tell the Court that the Bankruptcy Court had  
10 released their stay; whereas, it wasn't my duty, and I'll  
11 show you that in the law, but Grace said, and Grace had told  
12 the Superior Court that the Bankruptcy Court had released  
13 the stay.

14 So it was just a façade to say that the Superior  
15 Court didn't have notice or that I was supposed to give it  
16 notice, and the opinion made up this equitable doctrine that  
17 that occur in the law that it's my duty to tell the Superior  
18 Court that the Bankruptcy Court stay has been released, and  
19 therefore, I should be punished and it should be dismissed.

20 And I wrote in my rehearing motion that this had  
21 not been briefed by any party, and there's a rule or a code  
22 in California, which should be in all those documents I gave  
23 you and it is in my petition for rehearing, which is in  
24 those 700 documents, that says if the Court brings up  
25 something that hasn't been briefed by any of the parties,

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1 then the Court has to have a hearing on that. And in my  
2 petition for review, I pointed out that no party had brought  
3 that up, that this is just something the Court brought up on  
4 its own, and I wanted to have a hearing and a briefing on  
5 it, which the Court didn't give me.

6 Also, of importance and overshadowing this is two  
7 things. Grace does mention that I did bring a motion for  
8 sanctions of over a million dollars against Grace's  
9 attorneys, which I presented in those 700 documents, and  
10 Grace did not object. Well, I have, under my declaration,  
11 the fraudulent things Grace and its attorneys did both in  
12 the Bankruptcy Court and in the Superior Court to obtain  
13 what they obtained. And since Grace didn't object, they  
14 had, under California law and I have federal law here, which  
15 I'm not that familiar with, I'm still looking at -- that's  
16 an admission. If you don't deny an accusation, that's an  
17 admission.

18 So as far as I'm concerned, Grace and its  
19 attorneys have already agreed that they defrauded the  
20 Bankruptcy Court and that's before we even get to this  
21 motion. And I have a different motion already set for  
22 sanctions -- I think it's under 11(b) -- for how they've  
23 misled this Court in all the papers that they're filing.

24 But, to me, besides the integrity of the court  
25 system, the public health is of paramount importance, and

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1 there is overwhelming evidence that this Syloid 244 is a  
2 public health menace and it should be allowed to be used the  
3 way Grace used it. And there's a Superior Court summary  
4 judgment motion that Grace brought trying to get summary  
5 judgment and the trial judge said, how could I possibly give  
6 you summary judgment when your own shipping document says do  
7 not let unprotected exposure to this happen, it's dangerous.

8                 And so, in addition to Grace admitting that you  
9 shouldn't have unprotected exposure to this stuff and the  
10 way it's applied by termite control guarantees unprotected  
11 exposure, that should be known to the public either as that  
12 was something that was claimed in the lawsuit or that is  
13 something we never had a trial on.

14                 And if you read the Superior Court decision, it  
15 does not mention Syloid 244 or the fact that it's dangerous  
16 or the fact that three different government agencies issued  
17 violation notices on the basis that it was illegal to use.  
18 It's not in the Superior Court decision. It's not in the  
19 Court of Appeal decision that this has been determined by  
20 government officials in California in charge of pesticide  
21 regulation to be dangerous and it was illegal to sell this,  
22 and they were -- they meaning termite control, the  
23 applicator -- was cited for it, and it's not in Grace's  
24 motion for summary judgment.

25                 Whatever you decide in Grace's motion for summary

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1 judgment, there should be a statement that claimant claims  
2 that this is a dangerous substance that's ultra-high  
3 hazardous to use, and that there's not been a decision on  
4 the merits of this. This entire thing has been a rush job  
5 when there's an incredibly complex story of how much effort  
6 has been gone through to squash this information.

7 And so, I want you to clearly understand that  
8 Grace has hidden from you and the public that they illegally  
9 manufactured, they illegally sold a toxic substance, and  
10 that injuries are claims who have occurred as a result of  
11 that.

12 In terms of Grace's right to due process and, you  
13 know, having things resolved, I would just note for you an  
14 order that you've --

15 THE COURT: Can you hear me?

16 ESR CLERK: I can hear you, Judge.

17 THE COURT: Okay.

18 ESR CLERK: I can hear you now.

19 THE COURT: Mr. Smolker, it sounds to me like from  
20 what you're saying that you have several grievances, not  
21 just with W.R. Grace, but, you know, with various courts  
22 that you've had some interaction in. To the extent that you  
23 are dissatisfied with any of the actions taken by other  
24 courts, unfortunately, there's nothing I can do about that.

25 And I would also point out that the summary

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1 judgment motion was filed on August 3rd, 2020. And while I  
2 know there was some delay in you receiving that motion, you  
3 did ultimately receive it. I entered an order on October  
4 2nd, 2020 setting forth a scheduling deadline, and you had  
5 agreed at that time to file your response by December 16th.  
6 You made a request after that time on the eve of that filing  
7 deadline to further extend your time to respond to summary  
8 judgment, which I granted with the clear condition that  
9 there would be no more time given to you, that at some  
10 point, we just had to pick a deadline.

11 And you've now had the motion for over five  
12 months, which is plenty of time to get all of your materials  
13 together and your memorandum, and I warned you at the last  
14 hearing in December that December 30th was the last day that  
15 I felt comfortable extending your response deadline to.

16 So, unfortunately, given my warning, given the two  
17 hearings we've had on this matter where I clearly told you  
18 that in balancing the due process rights of you against W.R.  
19 Grace, that, you know, I gave you, you know, generous  
20 extensions of time to, you know, put together your  
21 responses. And, unfortunately, you have not taken advantage  
22 of that time and you have not -- those were the only --  
23 those were the deadlines that I felt comfortable giving you.

24 And at this point, there is nothing more that I  
25 can do for you. You will have to just rest on the pleadings

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1 that filed in front of this Court. I don't know what else  
2 to tell you, sir, but I clearly explained to you at both of  
3 the hearings and certainly at the last hearing, that you  
4 were not going to get anymore extensions of time.

5 So, unfortunately, the Court is denying your  
6 request for additional time, and I would direct W.R. Grace  
7 to file whatever response it believes is appropriate to Mr.  
8 Smolker's 700-page plus response and the other exhibits he's  
9 filed, and we are going to have a hearing on this in  
10 February. I believe that the hearing is currently scheduled  
11 for -- isn't it February 1st, Joan, at 12:00 p.m.; is that  
12 correct?

13 CLERK: Yes, it is.

14 THE COURT: Okay. So I expect all parties to call  
15 in at that time, and I will have the hearing. Jamie, did  
16 you need additional time to file your response to Mr.  
17 Smolker's response?

18 MR. O'NEILL: So, hi, this is, yes, James O'Neill.  
19 So my colleague and co-counsel, Mr. Higgins, is on the  
20 phone, and he is going to be doing the primary drafting for  
21 this matter, so I just might ask him whether our schedule is  
22 okay.

23 THE COURT: Okay.

24 MR. O'NEILL: I believe that we were supposed to  
25 file our response by the -- our reply by the 20th of this

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1 month.

2 THE COURT: Okay.

3 MR. O'NEILL: So I'll just ask Mr. Higgins to give  
4 us an update.

5 MR. HIGGINS: Your Honor, Roger Higgins for W.R.  
6 Grace. Insofar as the reply goes, we should be able to get  
7 something on file by the 20th of January.

8 I am sorry to bring up at this juncture, there is  
9 another complicating factor. Mr. Smolker, on December 28th  
10 of last month, December 28th, 2020, served a request for  
11 production of documents on Grace with a return date of  
12 January 27th, and his various correspondences with us  
13 indicated that he intended to use these documents at the  
14 February 1st hearing.

15 We plan to file an appropriate pleading prior to  
16 the January 27th return date objecting to this request for  
17 production because it violates Rule 56(d). And I wanted to  
18 alert you to this issue and also to say unless you direct  
19 otherwise, Grace was not intending to conduct a meet and  
20 confer under Local Rule 7026-1A with Mr. Smolker because  
21 this is sort of a zero-one kind of issue where there's no  
22 room for compromise; either Grace is required to produce  
23 documents or it's not, and we're not even getting to the  
24 scope of what the production should be.

25 THE COURT: Okay. So will you be filing something

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1 before me that I'll be ruling on in connection with your  
2 opposition to producing that discovery?

3 MR. HIGGINS: Your Honor, our thought was to file  
4 something before the 27th of January to be heard in due  
5 course.

6 THE COURT: Okay.

7 MR. HIGGINS: But I think that that wouldn't be  
8 heard on the 1st, and that we could go ahead on the 1st with  
9 the reply -- or with the summary judgment, Your Honor.

10 THE COURT: With the hearing, yup, right.

11 MR. HIGGINS: Yes.

12 THE COURT: Well, that's fine with me, sir.

13 MR. HIGGINS: All right. Thank you, Your Honor.

14 THE COURT: You're welcome. Okay, so I think at  
15 this point, we will next meet on February 1st during the  
16 telephonic hearing and you'll be able to comply, W.R. Grace,  
17 with your reply that will be due before then, and I will  
18 talk to all of you then. Anything else from anybody?

19 MR. O'NEILL: No, thank you, Your Honor.

20 THE COURT: Okay, great. Thanks everybody. Have  
21 a good one.

22 MR. SMOLKER: Your Honor, I would like to be  
23 heard.

24 THE COURT: Yes, Mr. Smolker.

25 MR. SMOLKER: According to my reading of Rule

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1 6(b)(1)(B) of the Federal Rules of Civil Procedure and Rule  
2 56(d), I have the right to file a motion for permission to  
3 file more papers. There's a thing in the code section that  
4 allows one to make a motion and to express why they didn't  
5 do it before. It's Rule (6)(b)(1)(B) of the Federal Rules  
6 of Civil Procedure and Rule 56(d) of the Federal Rules of  
7 Civil Procedure, and I would like to file such a motion by  
8 January 15th and, if possible, to have it heard on February  
9 1st either before the summary judgment motion or at the same  
10 time as the summary judgment motion.

11 THE COURT: Well, Mr. Smolker, I certainly can't  
12 give you any legal advice, but you should feel free to file  
13 whatever you want to file, and I will respond accordingly.  
14 Okay?

15 MR. SMOLKER: But I would like to reserve the time  
16 of February 1st. I understand I have to reserve the time of  
17 the hearing.

18 THE COURT: Yes. Well, at this point without  
19 seeing your motion, I cannot give you a hearing date. So I  
20 would just ask that you file your motion and follow the  
21 rules, and I will respond appropriately. Okay?

22 MR. SMOLKER: Okay, thank you.

23 THE COURT: All right, thanks everybody.

24 (Concluded at 12:44 PM)

25 \* \* \* \* \*

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2

3 I, Sonya Ledanski Hyde, certified that the foregoing  
4 transcript is a true and accurate record of the proceedings.

5

6 *Sonya M. Ledanski Hyde*

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8 Sonya Ledanski Hyde

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20 Veritext Legal Solutions

21 330 Old Country Road

22 Suite 300

23 Mineola, NY 11501

24

25 Date: January 13, 2021

[&amp; - call]

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